

PUBLIC SAFETY EMPLOYEE PERSONAL DATA

AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: John D. Johnson

LONG TITLE

General Description:

This bill modifies provisions relating to protection of personal information of certain public safety employees.

Highlighted Provisions:

This bill:

- ▶ creates and modifies definitions;
- ▶ modifies requirements and prohibitions relating to protection of personal information of certain public safety employees; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-18-102, as last amended by Laws of Utah 2019, Chapter 402

53-18-103, as last amended by Laws of Utah 2019, Chapter 402

REPEALS:

53-18-101, as enacted by Laws of Utah 2017, Chapter 266

Be it enacted by the Legislature of the state of Utah:

30 Section 1. Section **53-18-102** is amended to read:

31 **CHAPTER 18. PROTECTION OF PERSONAL INFORMATION OF PUBLIC**
32 **SAFETY EMPLOYEES**

33 **53-18-102. Definitions.**

34 As used in this chapter:

35 (1) "Access software provider" means a provider of software, including client or server
36 software, or enabling tools that do any one or more of the following:

37 (a) filter, screen, allow, or disallow content;

38 (b) pick, choose, analyze, or digest content; or

39 (c) transmit, receive, display, forward, cache, search, subset, organize, reorganize, or
40 translate content.

41 (2) "Correctional facility" means the same as that term is defined in Section
42 [77-16b-102](#).

43 (3) "Dispatcher" means the same as that term is defined in Section [53-6-102](#).

44 [(2)] (4) "Immediate family member" means a [~~law enforcement officer's~~] public safety
45 employee's spouse, child, parent, or grandparent who resides with the [~~officer~~] public safety
46 employee.

47 [(3)] (5) "Interactive computer service" means the same as that term is defined in
48 Subsection 47 U.S.C. 230(f).

49 [(4)] (6) "Law enforcement officer" or "officer":

50 (a) means the same as that term is defined in Section [53-13-103](#);

51 (b) includes ["^u"]correctional officers["^u"] as defined in Section [53-13-104](#); and

52 (c) refers only to officers who are currently employed by, retired from, or were killed in
53 the line of duty while in the employ of a state or local governmental law enforcement agency.

54 [(5)] (7) (a) "Personal information"[:~~(a) means a law enforcement officer's or law~~
55 ~~enforcement officer's~~] means a public safety employee's or a public safety employee's

56 immediate family member's home address, home telephone number, personal mobile telephone
57 number, personal pager number, personal email address, or personal photograph, directions to

58 locate the [~~law enforcement officer's~~] public safety employee's home, or photographs of the
59 [~~law enforcement officer's or the officer's~~] public safety employee's or the public safety
60 employee's immediate family member's home or vehicle[~~; and~~].

61 (b) "Personal information" includes a record or a part of a record that:

62 (i) a [~~law enforcement officer~~] public safety employee who qualifies as an at-risk
63 government employee under Section 63G-2-303 requests to be classified as private under
64 Subsection 63G-2-302(1)(h); and

65 (ii) is classified as private under Title 63G, Chapter 2, Government Records Access
66 and Management Act.

67 (8) "Public safety employee" means:

68 (a) a law enforcement officer;

69 (b) a dispatcher; or

70 (c) a current or retired employee or contractor of:

71 (i) a law enforcement agency; or

72 (ii) a correctional facility.

73 [(6)] (9) "Publicly post" or "publicly display" means to intentionally communicate or
74 otherwise make available to the general public.

75 Section 2. Section **53-18-103** is amended to read:

76 **53-18-103. Internet posting of personal information of public safety employees --**
77 **Prohibitions.**

78 (1) (a) A state or local governmental agency that [~~has received~~] receives the form
79 described in Subsection (1)(b) from a [~~law enforcement officer~~] public safety employee may
80 not publicly post on the Internet the personal information of [~~any law enforcement officer~~] the
81 public safety employee employed by the state or [~~any political subdivision~~] local governmental
82 agency.

83 (b) Each state or local government agency employing [~~law enforcement officers~~] a
84 public safety employee shall:

85 (i) provide a form for [~~an officer~~] a public safety employee to request the removal or

86 concealment of the ~~[officer's]~~ public safety employee's personal information from the state or
87 local government agencies' publicly accessible websites and databases;

88 (ii) inform the ~~[officer]~~ public safety employee how to submit a form under this
89 section;

90 (iii) upon request, assist ~~[an officer]~~ a public safety employee in completing the form;

91 (iv) include on the form a disclaimer informing the ~~[officer]~~ public safety employee
92 that by submitting a completed form the ~~[officer]~~ public safety employee may not receive
93 official announcements affecting the ~~[officer's]~~ public safety employee's property, including
94 notices about proposed annexations, incorporation, or zoning modifications; and

95 (v) require a form submitted by a ~~[law enforcement officer]~~ public safety employee to
96 be signed by:

97 (A) for a public safety employee who is a law enforcement officer, the highest ranking
98 elected or appointed official in the officer's chain of command certifying that the individual
99 requesting removal or concealment is a law enforcement officer[-]; or

100 (B) for a public safety employee who is not a law enforcement officer, the public safety
101 employee's supervisor.

102 (2) A county clerk, upon receipt of the form described in Subsection (1)(b) from a ~~[law~~
103 ~~enforcement officer]~~ public safety employee, completed and submitted under this section, shall:

104 (a) classify the ~~[law enforcement officer's]~~ public safety employee's voter registration
105 record in the lieutenant governor's statewide voter registration database developed under
106 Section [20A-2-109](#) as a private record; and

107 (b) classify the ~~[law enforcement officer's]~~ public safety employee's marriage licenses
108 and marriage license applications, if any, as private records.

109 (3) A county recorder, treasurer, auditor, or tax assessor, upon receipt of the form
110 described in Subsection (1)(b) from a ~~[law enforcement officer]~~ public safety employee,
111 completed and submitted under this section, shall:

112 (a) provide a method for the assessment roll and index and the tax roll and index that
113 will block public access to the ~~[law enforcement officer's]~~ public safety employee's personal

114 information; and

115 (b) provide to the ~~[law enforcement officer]~~ public safety employee who submits the
116 form a written disclaimer informing the ~~[officer]~~ public safety employee that the ~~[officer]~~
117 public safety employee may not receive official announcements affecting the ~~[officer's]~~ public
118 safety employee's property, including notices about proposed annexations, incorporations, or
119 zoning modifications.

120 (4) A form submitted under this section remains in effect for the shorter of:

121 (a) four years from the date on which the form was signed by the ~~[officer]~~ public safety
122 employee, regardless of whether the ~~[officer's]~~ public safety employee's qualifying employment
123 is terminated during the four years; or

124 (b) one year after official notice of the ~~[law enforcement officer's]~~ public safety
125 employee's death is transmitted by the ~~[officer's]~~ public safety employee's immediate family or
126 the ~~[officer's]~~ public safety employee's employing agency to all state and local government
127 agencies that are reasonably expected to have records containing personal information of the
128 deceased ~~[officer]~~ public safety employee.

129 (5) Notwithstanding Subsection (4), the ~~[law enforcement officer]~~ public safety
130 employee, or the ~~[officer's]~~ public safety employee's immediate family if the ~~[officer]~~ public
131 safety employee is deceased, may rescind the form at any time.

132 (6) (a) An individual may not, with intent to frighten or harass ~~[a law enforcement~~
133 ~~officer]~~ a public safety employee, publicly post on the Internet the personal information of ~~[any~~
134 ~~law enforcement officer]~~ a public safety employee knowing the ~~[person]~~ public safety
135 employee is a ~~[law enforcement officer]~~ public safety employee.

136 ~~[(a)]~~ (b) ~~[A violation of this]~~ Except as provided in Subsection (6)(c), a violation of
137 Subsection (6)(a) is a class B misdemeanor.

138 ~~[(b)]~~ (c) A violation of ~~[this]~~ Subsection (6)(a) that results in bodily injury to the
139 ~~[officer]~~ public safety employee, or a member of the ~~[officer's]~~ public safety employee's
140 immediate family, is a class A misdemeanor.

141 ~~[(c)]~~ (d) (i) Each act against a separate individual in violation of ~~[this]~~ Subsection

142 (6)(a) is a separate offense.

143 (ii) ~~[The]~~ A defendant may also be charged separately with the commission of any
144 other criminal conduct related to the commission of an offense under ~~[this]~~ Subsection (6)(a).

145 (7) (a) A business or association may not publicly post or publicly display on the
146 Internet the personal information of ~~[any law enforcement officer if that officer]~~ a public safety
147 employee if the public safety employee has, either directly or through an agent designated
148 under Subsection (7)(c), provided to that business or association a written demand to not
149 disclose the ~~[officer's]~~ public safety employee's personal information.

150 (b) A written demand made under ~~[this]~~ Subsection (7)(a) by a ~~[law enforcement~~
151 ~~officer]~~ public safety employee is effective for four years beginning on the day the demand is
152 delivered, regardless of whether ~~[or not the law enforcement officer's]~~ the public safety
153 employee's employment as [an officer] a public safety employee has terminated during the four
154 years.

155 (c) A ~~[law enforcement officer]~~ public safety employee may designate in writing the
156 ~~[officer's]~~ public safety employee's employer or, for a public safety employee who is a law
157 enforcement officer, a representative of ~~[any]~~ a voluntary professional association of law
158 enforcement officers to act on behalf of the officer and as the officer's agent to make a written
159 demand ~~[pursuant to]~~ under this chapter.

160 (d) (i) A business or association that receives a written demand from a ~~[law~~
161 ~~enforcement officer]~~ public safety employee under Subsection (7)(a) shall remove the
162 ~~[officer's]~~ public safety employee's personal information from public display on the Internet,
163 including the removal of information provided to cellular telephone applications, within 24
164 hours of the delivery of the written demand, and shall ensure that the information is not posted
165 again on the same Internet website or any other Internet website over which the recipient of the
166 written demand maintains or exercises control ~~[over]~~.

167 (ii) After receiving the ~~[law enforcement officer's]~~ public safety employee's written
168 demand, the person, business, or association may not publicly post or publicly display on the
169 Internet, the personal information of the ~~[law enforcement officer]~~ public safety employee.

170 (iii) This Subsection (7)(d) does not prohibit a telephone corporation, as defined in
171 Section [54-2-1](#), or ~~[its]~~ the telephone corporation's affiliate or other voice service provider,
172 including providers of interconnected voice over Internet protocol service as defined in 47
173 C.F.R. 9.3, from transferring the ~~[law enforcement officer's]~~ public safety employee's personal
174 information to any person, business, or association, if the transfer is authorized by federal or
175 state law, regulation, order, terms of service, or tariff, or is necessary in the event of an
176 emergency, or to collect a debt owed by the ~~[officer]~~ public safety employee to the telephone
177 corporation or its affiliate.

178 (iv) This Subsection (7)(d) does not apply to a telephone corporation or other voice
179 service provider, including providers of interconnected voice over Internet protocol service,
180 with respect to directories or directories listings to the ~~[extend]~~ extent the entity offers a
181 nonpublished listing option.

182 (8) (a) A ~~[law enforcement officer]~~ public safety employee whose personal information
183 is made public as a result of a violation of Subsection (7) may bring an action seeking
184 injunctive or declarative relief in ~~[any]~~ a court of competent jurisdiction.

185 (b) If a court finds that a violation has occurred, ~~[it]~~ the court may grant injunctive or
186 declarative relief and shall award the ~~[law enforcement officer]~~ public safety employee court
187 costs and reasonable attorney fees.

188 (c) If the defendant fails to comply with an order of the court issued under ~~[this]~~
189 Subsection (8)(b), the court may impose a civil penalty of not more than \$1,000 for the
190 defendant's failure to comply with the court's order.

191 (9) (a) A person, business, or association may not solicit, sell, or trade on the Internet
192 the personal information of a ~~[law enforcement officer]~~ public safety employee, if:

193 (i) the dissemination of the personal information poses an imminent and serious threat
194 to the ~~[law enforcement officer's]~~ public safety employee's safety or the safety of the ~~[law~~
195 ~~enforcement officer's]~~ public safety employee's immediate family; and

196 (ii) the person making the information available on the Internet knows or reasonably
197 should know of the imminent and serious threat.

198 (b) (i) [~~A law enforcement officer~~] A public safety employee whose personal
199 information is knowingly publicly posted or publicly displayed on the Internet may bring an
200 action in [~~any~~] a court of competent jurisdiction.

201 (ii) If a jury or court finds that a defendant has committed a violation of Subsection
202 (9)(a), the jury or court shall award damages to the [~~officer~~] public safety employee in the
203 amount of triple the cost of actual damages or \$4,000, whichever is greater.

204 (10) An interactive computer service or access software is not liable under Subsections
205 (7)(d)(i) and (9) for information or content provided by another information content provider.

206 (11) Unless a state or local government agency receives a completed form directly from
207 [~~the law enforcement officer~~] a public safety employee in accordance with Subsection (1), a
208 state or local government official who makes information available for public inspection in
209 accordance with state law is not in violation of this chapter.

210 Section 3. **Repealer.**

211 This bill repeals:

212 Section **53-18-101**, Title.